

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:08-CR-93-BR

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
DAVID A. HAGEN)	

On 26 March 2009 defendant filed *pro se* a motion to order the dismissal of retained defense counsel and allow defendant to proceed *pro se*. The following day defense counsel filed a motion to withdraw. This case is set for trial 4 May 2009. On 6 April 2009, the court held a hearing on the aforementioned motions. This order memorializes the court's rulings and further clarifies the court's expectations of defense counsel, Steven T. Meier, from this point through trial.

Defendant's motion to discharge retained counsel is DENIED. Defendant is ALLOWED to proceed *pro se* at trial, if he so desires. The court will again examine defendant about his willingness to proceed *pro se* before jury selection begins on 4 May 2009. The court notes that defense counsel may be required to assume "full" representation of defendant at trial. Therefore, defense counsel is DIRECTED to continue preparing for trial as if he were trying the case. This preparation should include but is not limited to reviewing evidence, issuing subpoenas to witnesses, preparing and filing proposed jury voir dire, and preparing and filing proposed jury instructions. Defense counsel shall remain in the case as standby counsel for trial to assist defendant if and when and to the extent called upon by defendant. Defense counsel's motion to withdraw is DENIED except to the extent he is deemed standby counsel for trial.

The U.S. Marshal Service is DIRECTED to return defendant to the Western District of North

Carolina forthwith and serve a copy of this order on defendant.

This 7 April 2009.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge